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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,072	11/13/2001	Steven C. Halper	97171-00006	7208
27614 7590 06/30/2008 MCCARTER & ENGLISH, LLP FOUR GATEWAY CENTER 100 MULBERRY STREET NEWARK, NJ 07102				
EXAMINER				
APPLE, KIRSTEN SACHWITZ				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
06/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/993,072

Applicant(s)

HALPER ET AL.

Examiner

KIRSTEN S. APPLE

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Filing Date: nc-123

Detailed Action

This action is in response to the Remarks response filed on 3/3/2008.

Claim Rejections - 35 USC § 112

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular it is indefinite and the examiner did not understand:

“predatory lending laws”

It is unclear to the examiner and one of ordinary skill in the art what is claim by this description. Laws are constantly changing and what might be within variance today may not be within variance tomorrow. A similar 112 rejection would hold for an IEEE standard or the like.

The applicant argued that specification is full of examples – this is the problem there are lots of example so one would not know what one from what date this claim is referring it.

Corrective action is required.

Claim Rejections - 35 USC § 102

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final.

The Applicant attention is re-drawn to the following:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 29-40 are rejected under 35 U.S.C. 102(a) as being anticipated by Broadbent (US Patent 6,985,886).

Re claim 29: Broadbent discloses:

A computer-readable medium, steps of:

Receiving information pertaining to the one or more loans (see Broadbent, figure 2, item 226)

Storing general loan information (see Broadbent, figure 2, item 223)

Comparing the information for each loan to a plurality of leading laws and to the general loan information to detect one or more variances there between, each variance having a certain degree (see Broadbent, figure 5, item 523); and

Scoring each variance based upon the degree thereof, whereby knowledge of the predatory lending laws on behalf of a user of the system is not required (see Broadbent, figure 5, item 550)

Reporting a total risk score for each loan to a user of the system (see Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is simply a way of reading or interpreting the information monitored and reported)

Re claim 30: Broadbent discloses:

The processing means comprising means for comparing the loan information for each loan to one or more of the predatory lending laws applicable (see Broadbent, figure 5, item 523, specifically item 531, 533, 541, 535 & 539) to the loan and to the general loan information to

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detect one or more variances there between, each variance having a certain degree, and mean for scoring each variance based upon the degree thereof to determine a risk category for each loan based on the sum of the scores for each detected variance associated therewith (see Broadbent, figure 5, item 550 and figure 4B, item 437, 438 & 440).

Re claim 31: Broadbent discloses:

Notifying a user of the system when one or more variances are detected (for fraud) (see Broadbent, figure 4B, item 238)

Re claim 32: Broadbent discloses:

Means for determining one or more steps needed to resolve each detected variance, and wherein the notification means further comprises notifying the user of each detected variance and the one or more steps needed to resolve it (see Broadbent, figure 4B, item 440).

Re claim 33: Broadbent discloses:

Means for tracking the status of each detected variance associated wit each loan (see Broadbent, figure 4B, item 440)

Re claim 34: Broadbent discloses:

Predatory lending laws include at least one of a city, county and state law (see Broadbent, figure 5, item 531)

The loan information includes a city, county and state in which each loan is to be closed, and the processing means further comprises:

Means for identifying the city, county and state associated with each loan (see Broadbent, figure 5, item 501), and

Means for applying the predatory leading laws of the identified city, county and state to the loan information for each loan (see Broadbent, figure 5, item 531)

Re claim 35: Broadbent discloses:

Processing means further comprises means for detecting fraud in connection with the loan based on the detected variances (see Broadbent, figure 5, item 523)

Re claim 36: Broadbent discloses:

System is web-enabled

(see Broadbent, figure 5 “xml”)

Re claim 37: Broadbent discloses:

reporting the risk category for each loan to a user of the system. (see Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is simply a way of reading or interpreting the information monitored and reported)

Re claim 38: Broadbent discloses:

wherein the step of determining the risk category for each loan comprises assigning a pass status to a loan if the sum of the scores falls within a first score range. (see Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is pass, fail or additional information ranking, particularly in view of column10 line 1-69 specifically line “statues communications” a pass, fail, more work is inherent in this statement as well as in column 17, line 1-69 specifically line 63-64 “determine wheret he loan originator can originate this loan”)

Re claim 39: Broadbent discloses:

wherein the step of determining the risk category for each loan comprises assigning a high risk status to a loan if the sum of the scores falls within a second score range. (see Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is pass, fail or additional information ranking)

Re claim 40: Broadbent discloses:

wherein the step of determining the risk category for each loan comprises assigning an investigate status to a loan if the sum of the scores falls within a third score range. (see Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is pass, fail or additional information ranking)

Response to Arguments

Applicant's arguments filed 3/3/08 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued Broadbent does not include reporting a total risk score.

The Examiner refutes the argument made by the Applicant and draws the attention to Broadbent, Column 6 & 7 & column 8, line 10-26, specifically line 23, it is inherent that a “monitor and report” would including a score which is simply a way of reading or interpreting the information monitored and reported.

Applicants argued claims 37-40.

This argument is moot as the claims have been addressed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

/Mary Cheung/

Primary Examiner, Art Unit 3694